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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,213	09/22/2003	George Cannan	22461.00	5730

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EXAMINER	
JIANG, CHEN WEN	
ART UNIT	**PAPER NUMBER**
3744	

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/665,213	CANNAN, GEORGE	
	Examiner	Art Unit	
	Chen-Wen Jiang	3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *20030922*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 19 recites the limitation "said actuator cap lid" in line 3. There is insufficient antecedent basis for this limitation in the claim.

2. The following rejections are based on the best understanding of the claimed limitations.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1,4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. (U.S. Patent Number 6,382,469) in view of Lacoste (U.S. Patent Number 5,882,042) or Trachtenberg (U.S. Patent Number 6,446,453).

Carter et al. disclose an actuator for dispensing the pressurized contents of a container through an upstanding valve stem having a discharge end. The actuator 10 may be used with containers having other contents, such as freon for recharging and other aerosol dispensing applications. The actuator 10 has a generally cylindrical body 18 having a central aperture 20 therethrough for receiving the upstanding valve stem 14 therein when the actuator is attached to the container 12, as shown in Figs.1-6. The actuator 10 also has a finger tab 22 which is positioned across the central aperture 20 of the body 18 for actuating the valve 14 and receiving

the pressurized contents of the container 12 from the upstanding valve stem 16 upon actuation of the valve 14. The top 110 of the cylindrical portion 104 and the top 112 of the connecting rib portion 106 is formed integrally with the bottom 64 of the finger tab 22 formed by the finger tab conduit portion 114. As seen in Fig.3, the connecting rib 106 is also formed integrally with the inside surface 116 of the finger tab connecting portion 92 and the upright intermediate portion 86 of the actuator hinge 76. Fig.9 is a sectional view of the actuator shown in Fig.7 in locked activated position. Carter et al. disclose the hose connector 75 is a friction fit and securing that connection with a collar 77. However, Carter et al. do not disclose thread connection. Lacoste and Trachtenberg disclose threaded connectors in the same field of endeavor for the purpose of safer and more efficient connection. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Carter et al. with a threaded connector in view of Lacoste or Trachtenberg so as to have a safer and more efficient connection.

5. Claims 2,3,6,7,8,10-14,15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. and Lacoste/Trachtenberg as applied to claims 1,4 and 5 above, and further in view of Goncalves (U.S. Patent Number 4,513,890) or Gross (U.S. Patent Number 6,269,986).

Carter et al. disclose an actuator for dispensing the pressurized contents of a container through an upstanding valve stem having a discharge end. The actuator 10 may be used with containers having other contents, such as freon for recharging and other aerosol dispensing applications. The actuator 10 has a generally cylindrical body 18 having a central aperture 20 therethrough for receiving the upstanding valve stem 14 therein when the actuator is attached to

the container 12, as shown in Figs.1-6. The actuator 10 also has a finger tab 22 which is positioned across the central aperture 20 of the body 18 for actuating the valve 14 and receiving the pressurized contents of the container 12 from the upstanding valve stem 16 upon actuation of the valve 14. The top 110 of the cylindrical portion 104 and the top 112 of the connecting rib portion 106 is formed integrally with the bottom 64 of the finger tab 22 formed by the finger tab conduit portion 114. As seen in Fig.3, the connecting rib 106 is also formed integrally with the inside surface 116 of the finger tab connecting portion 92 and the upright intermediate portion 86 of the actuator hinge 76. Carter et al. disclose the hose connector 75 is a friction fit and securing that connection with a collar 77. A discharge tube 24 is provided having an actuator attachment end 26 for attachment to the actuator 10. Fig.9 is a sectional view of the actuator shown in Fig.7 in locked activated position. Lacoste and Trachtenberg disclose threaded connectors. Carter et al. and Lacoste/Trachtenberg disclose the invention substantially as claimed. However, Carter et al. and Lacoste/Trachtenberg do not disclose hinged lid. Goncalves and Gross disclose hinged lid in the same field of endeavor for the purpose of safety. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Carter et al. and Lacoste/Trachtenberg with a hinged lid in view of Goncalves or Gross so as to improve safety.

6. Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al. and Lacoste/Trachtenberg. It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrally mount hose of the apparatus of Carter et al. and Lacoste/Trachtenberg, on the actuator thereof, since it has been held to be within the general skill

of worker in the art to make plural parts unitary as a matter of obvious engineering choice. In re Larson, 144 USPQ 347 (CCPA 1965); In re Lockart, 90 USPQ 214 (CCPA 1951).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chen-Wen Jiang whose telephone number is (703) 308-0275. The examiner can normally be reached on Tuesday-Friday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise Esquivel can be reached on (703) 308-2597. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chen-Wen Jiang
Primary Examiner